EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2007-2024-AIR-E **TCEQ ID:** RN100671445 **CASE NO.:** 35116

RESPONDENT NAME: Longhorn Glass Manufacturing, L.P.

ORDER TYPE:		
X_1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	_IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	_EMERGENCY ORDER	
CASE TYPE:		
<u>X</u> AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
SITE WHERE VIOLATION(S) OCCURE	RED: Longhorn Glass Plant, 4202 Fidelity Street, H	Iouston, Harris County
TYPE OF OPERATION: Glass manufactu	ring plant	
SMALL BUSINESS: Yes X	No	
OTHER SIGNIFICANT MATTERS: The facility location.	re are no complaints. There is no record of addition	al pending enforcement actions regarding this
INTERESTED PARTIES: No one other th	an the ED and the Respondent has expressed an inte	erest in this matter.
COMMENTS RECEIVED: The Texas Reg	gister comment period expired on June 23, 2008. No	o comments were received.
Bryan Sinclair, Enforcement Divis Respondent: Mr. Vince Kozul, Ge Mr. Kirk E. Norris, Group Vice Pr	: Mr. Terry Murphy, Enforcement Division, Enforce	2., 4202 Fidelity Street, Houston, TX 77029

of this Agreed Order, submit written

certification and include detailed

DOCKET NO.: 2007-2024-AIR-E

VIOLATION SUMMARY CHART: CORRECTIVE ACTIONS 1900 VIOLATION INFORMATION PENALTY CONSIDERATIONS TAKEN/REQUIRED Type of Investigation: Total Assessed: \$46,860 **Corrective Actions Taken:** Complaint X Routine Total Deferred: \$9.372 The Executive Director recognizes that the Enforcement Follow-up X Expedited Settlement Respondent has implemented the ___ Records Review following corrective measures at the Plant: Financial Inability to Pay Date(s) of Complaints Relating to this a) On July 16, 2007, was issued an Case: None amendment to NSRP No. 42623 to **SEP Conditional Offset: \$0** increase the maximum allowable emission Date of Investigation Relating to this Total Paid to General Revenue: \$37,488 rate for HCl to 1.80 tons per year; Case: October 17, 2007 b) By December 14, 2007, in order to **Site Compliance History Classification** Date of NOV/NOE Relating to this Case: ensure the timely submittal of annual High X Average Poor December 4, 2007 (NOE) compliance certifications and semi-annual deviation reports, established an action **Person Compliance History Classification** Background Facts: This was a routine item in the Plant's Environmental High X Average Poor investigation. Management System that will be checked monthly; Major Source: X Yes No AIR c) By December 14, 2007, in order to Applicable Penalty Policy: September 2002 1) Failure to timely submit a semi-annual ensure that deviations arising from excess deviation report and a permit compliance opacity are reported in semi-annual certification. Specifically, the Respondent deviation reports, modified the continuous submitted the permit compliance opacity monitoring system to e-mail the certification for the period December 7. Environmental Health and Safety manager 2005 through February 28, 2006 on in the event of an opacity exceedance and October 16, 2007, while it was due on provided additional oversight over the March 30, 2006; and submitted the semireporting of those exceedances; and annual deviation report for the period March 1, 2006 through August 31, 2006 d) On March 25, 2008, replaced a circuit on March 28, 2007, while it was due on board in the opacity monitor. September 30, 2006 [Federal Operating Permit ("FOP") O-02641, General Terms and Conditions ("GTC"), 30 TEX. ADMIN. **Ordering Provisions:** CODE §§ 122.143(4), 122.145(2)(B), and 122.146(2), and TEX. HEALTH & SAFETY The Order will require the Respondent to: CODE § 382.085(b)]. a) Within 30 days after the effective date 2) Failure to maintain the monitored of this Agreed Order: opacity of the glass furnace stack (Emissions Point Number [EPN] Furnace) i. Make improvements to the continuous at less than 18.7%. Specifically, the opacity monitoring system and/or; monitor registered exceedances during the period January 3, 2006 through October ii. Make improvements to the operation of 12, 2007 [New Source Review Permit the stack; and ("NSRP") No. 42623, Special Condition ("SC") 4 and FOP O-02641, Special Terms iii. Submit corrected semi-annual and Conditions ("STC") 7, 30 Tex. ADMIN. deviation reports for December 7, 2005 to CODE §§ 116.115(c) and 122.143(4), and February 28, 2006, for March 1, 2006 to TEX. HEALTH & SAFETY CODE § August 31, 2006, and for September 1, 382.085(b)]. 2006 to February 28, 2007. 3) Failure to comply with the maximum b) Within 45 days after the effective date

allowable emission rate for hydrochloric

acid ("HCl"). Specifically, HCl emissions

from the furnace building ventilation (EPN		supporting documentation including
FB) exceeded the permit allowable by 1.14		photographs, receipts, and/or other records
tons per year during 2005 and 2006		to demonstrate compliance with Ordering
[NSRP No. 42623, SC 1 and FOP O-		Provisions a.i. and/or a.ii.
02641, STC 7, 30 TEX. ADMIN. CODE §§		
116.115(c) and 122.143(4), and Tex.		
HEALTH & SAFETY CODE § 382.085(b)].		
' '		
4) Failure to report all deviations in semi-		
annual deviation reports. Specifically, the		·
reports for December 7, 2005 to February		•
28, 2006, for March 1, 2006 to August 31,		
2006, and for September 1, 2006 to		
February 28, 2007 did not include opacity	,	
and opacity reporting deviations [FOP O-		
02641, GTC, 30 Tex. Admin. Code §§	·	
122.143(4) and 122.145(2)(A), and TEX.		N. Carlotte and Ca
HEALTH & SAFETY CODE § 382.085(b)].		
	·	

Additional ID No(s).: HG0028R

.

.

Policy Revision 2 (Sept		alty C	alculation	on Works	sheet (P	CW)	ovember 6, 2007
TCFO	compar 2002)						
DATES Assigned PCW	10-Dec-2007 16-Jan-2008 S	creening	17-Dec-2007	EPA Due	14-Oct-2008		
RESPONDENT/FACILITY Respondent	Longhorn Glass M	anufacturi	ing, L.P.				The state of the s
Reg. Ent. Ref. No. Facility/Site Region				Major/l	Minor Source	Major	
CASE INFORMATION		7 (20 May)				***************************************	
Enf./Case ID No.	35116			No.	of Violations	4	
	2007-2024-AIR-E			===	Order Type		
Media Program(s)	Air		<u> </u>	Enf		Terry Murphy	
Multi-Media		00		040.000	EC's Team	Enforcement Team 4	
Admin. Penalty \$ L	imit Minimum	\$0	Maximum	\$10,000			
TOTAL BASE PENAL	with the contract of the contract of	lation b	Hadioportural technic wife in	ation Sec	tion	Subtotal 1	\$33,000
	ned by multiplying the To		to a time of a color of the wide.				
Compliance Histo	ory	فأحد والسيفية	429	6 Enhancement	Subt	otals 2, 3, & 7	\$13,860
Notes	The penalty was		l by two 1660- or dissimilar vi		ders and one		
Culpability	No : 2110		00	6 Enhancement		Subtotal 4	\$0
Cuipability	INO I			o Enhancement		Jubiolar	ΨΟ
Notes	The Resp	ondent do	oes not meet t	ne culpability cr	iteria.		
Good Faith Effort)V to EDPR	0% P/Settlement Offe	***		Subtotal 5	\$0
Extraordinary							
Ordinary N/A	X (ma	rk with x)	İ				
Notes			oes not meet t	ne good faith cr	iteria.		,
Approx. (Total EB Amounts Cost of Compliance	\$1,244 \$8,900		6 Enhancement* ed at the Total EB \$	\$ Amount	Subtotal 6	\$0
SUM OF SUBTOTALS	S 1-7				ı	Final Subtotal	\$46,860
OTHER FACTORS AS Reduces or enhances the Final S			IRE	0%		Adjustment	\$0
Notes		a.					
•					Final Pe	nalty Amount	\$46,860
STATUTORY LIMIT A	DJUSTMENT				Final Asse	essed Penalty	\$46,860
DEFERRAL Reduces the Final Assessed Pen	alty by the indicted perc	entage. <i>(En</i>	ter number only; e	20% e.g. 20 for 20% redu	Reduction uction.)	Adjustment	-\$9,372
Notes	De	ferral offe	red for expedit	ed settlement.			
PAYABLE PENALTY							\$37,488

Screening Date 17-Dec-2007

Docket No. 2007-2024-AIR-E

PCW

Respondent Longhorn Glass Manufacturing, L.P.

Case ID No. 35116

Policy Revision 2 (September 2002) PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100671445

Media [Statute] Air

Enf. Coordinator Terry Murphy

Component	/ Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	1	2%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission And the state of the federal government.		0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)		0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Plea	se Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Other	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
A Maria	Adjustment P		
at Violator (Su	btotal 3)		ANGERTY)
No	Adjustment P	Percentage (Su	ıbtotal 3) 🗌
pliance History	Person Classification (Subtotal 7)		
Average P	erformer Adjustment P	Percentage (Sเ	ıbtotal 7) 🗌
pliance History	/ Summary	iga kiras jegala.	avillie.
Compliance History Notes	The penalty was enhanced by two 1660-style agreed orders and one NOV for dissimilar	violations.	n johine ny Tanàna
	romail. In histories but the able to held at	اللاصنال	

Scre	ening Date	17-Dec-2007		Doo	ket No. 2007-202	4-AIR-E	PCW
F	Respondent	Longhorn Gla	ass Manufactu	ring, L.P.		Po	olicy Revision 2 (September 2002)
	Case ID No.						PCW Revision November 6, 2007
Reg. Ent. Ref			5				
	lia [Statute]						
	Coordinator		, 1) person
VIOI	ation Number Rule Cite(s)	Federal Op		.143(4), 122.145	General Terms and (2)(B), and 122.146		
Violatio	n Description	certifica certification 16, 2007, whi report for the	ation. Specific for the period ile it was due c period March	ally, the Respon December 7, 20 on March 30, 200 1, 2006 through	eviation report and a dent submitted the p 105 through February 16; and submitted the 1 August 31, 2006 on umented during an ir	permit compliance 28, 2006 on Octobe e semi-annual devia March 28, 2007, w	per ation vhile
						Base Per	nalty \$10,000
>> Environmental	min company and		Harm				
OR	Release Actual	Major I	Moderate	Minor			
	Potential				Percent	0%	
>>Programmatic	Matrix				3 4.a. 4.448		To a second seco
Togrammatio	Falsification	Major	Moderate	Minor			
		x			Percent	25%	
Matrix Notes		The	Respondent fa	ailed to comply w	vith 100% of the rule		
					Adjustmen	t \$7	,500
Violation Events	na akteti vilga i					TURES CRESSOR WEST	\$2,500
Violation Events						J. L. PHUMI SILES	化原基
	Number of Vic		2		363 Number o	f violation days	
	mark only one with an x	daily monthly quarterly semiannual annual single event	X		V	/iolation Base Per	nalty \$5,000
			Two singl	e events are rec	ommended.		
Economic Benefi	t (EB) for th	is violation			Statuto	ry Limit Test	
	Estimated	d EB Amount		\$34	Violat	on Final Penalty 1	Fotal \$7,100
				-1		4. (mallopate d flex II:	-ita) 67 400
			TI Valori (Series Company)	nis violation Fir	nal Assessed Penal	ty (adjusted for lin	nits) \$7,100

Case ID No.	35116	Manufacturing, L.	Γ, ΄			with the factor	
Reg. Ent. Reference No. Media Violation No.	Air				1 2 m m	Percent Interest	Years of Depreciation
					NEW TOTAL	5.0	1:
Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs	onwigougen () P			110.4		, 2	
Equipment				0,0	\$0	\$0	\$0
Buildings		A.4.		0,0	\$0	\$0	\$0
Other (as needed)	151 W. 111 E. 111			0,0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land	4400	00.14	115 2007	0,0	\$0	n/a	\$0
Record Keeping System	\$400	30-Mar-2006	14-Dec-2007	1.7	\$34	n/a	\$34
Training/Sampling	Company of the second			0.0	\$0	n/a	\$0
Remediation/Disposal			STORY - TO THE		\$0	n/a	\$0
Permit Costs Other (as needed)	Estimated cost	s to timely submit t	he reports and imp	0.0 0.0 prove ov	\$0 \$0 versight of the repo	n/a n/a orting system. The D	\$0 \$0 Date Required is
			e certification was	0.0 prove ov due, an	ersight of the repo	n/a	\$0 Date Required i he additional
Other (as needed) Notes for DELAYED costs Avoided Costs	the date the	annual complianc	e certification was oversight	orove ov due, an was im	versight of the repo d the Final Date is plemented; item (except for	n/a	\$0 Date Required in the additional costs)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	the date the	annual complianc	e certification was oversight	orove ov due, an was im ntering	so versight of the report of the Final Date is plemented; item (except for \$0	n/a orting system. The E the date by which the one-time avoided c	\$0 Date Required in the additional costs)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	the date the	annual complianc	e certification was oversight	orove ov due, an was im ntering	rersight of the report of the Final Date is plemented; item (except for \$0 \$0 \$0	n/a orting system. The E is the date by which the one-time avoided or \$0 \$0	\$0 Date Required is the additional sposts) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	the date the	annual complianc	e certification was oversight	orove ov due, an was im ntering 0.0 0.0	rersight of the report the Final Date is plemented; item (except for \$0 \$0 \$0 \$0 \$0	n/a orting system. The E the date by which the one-time avoided c \$0 \$0 \$0	\$0 Date Required is the additional sosts) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	the date the	annual complianc	e certification was oversight	orove ov due, an was im ntering 0,0 0,0 0,0 0,0	soversight of the report the Final Date is plemented; item (except for \$0 \$0 \$0 \$0 \$0	n/a orting system. The E the date by which the one-time avoided c \$0 \$0 \$0 \$0 \$0	\$0 Date Required is the additional sosts) \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	the date the	annual complianc	e certification was oversight	0.0 orove ov due, an was im orove ov due, an was im orove ov or	\$0 versight of the report of the Final Date is plemented; item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a orting system. The E the date by which the system avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 Date Required is the additional sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	the date the	annual complianc	e certification was oversight	0.0 orove ov due, an was im ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	so versight of the report of the Final Date is plemented; item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a orting system. The E is the date by which the one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	\$0 Date Required is the additional sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	the date the	annual complianc	e certification was oversight	0.0 orove ov due, an was im orove ov due, an was im orove ov or	\$0 versight of the report of the Final Date is plemented; item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a orting system. The E the date by which the system avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 Date Required i he additional sosts) \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	the date the	annual complianc	e certification was oversight	0.0 orove ov due, an was im ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	so versight of the report of the Final Date is plemented; item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a orting system. The E is the date by which the one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	\$0 Date Required is the additional sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Scre	ening Date	17-Dec-2007		De	ocket No. 2007-202	4-AIR-E	PCW
F	Respondent	Longhorn Gla	ass Manufactu	ing, L.P.		Polic	cy Revision 2 (September 2002)
	Case ID No.					P	CW Revision November 6, 2007
Reg. Ent. Ref	ference No.	RN10067144	-5				*
Med	lia [Statute]	Air					
	Coordinator		/				
Viol	ation Number						
Violatio	Rule Cite(s)	Failed to m	tial Terms and 122.143(4), naintain the mo [EPN] Furnace ances during the	Conditions (STG and Tex. Healt initored opacity at less than 1 the period Janua	2623, Special Condition 7, 30 Tex. Admin. Con & Safety Code § 382 of the glass furnace start. Specifically, the ry 3, 2006 through Octoon conducted on Octo	code §§ 116.115(c) a 2.085(b) tack (Emissions Poin a monitor registered tober 12, 2007, as	nd
]					Base Pena	lty \$10,000
>> Environmental	l. Property a	ind Human	Health Mat	rix			***************************************
Liviloillioilla	i, i roporty e		Harm				
	Release	Major	Moderate	Minor			
OR	Actual			X			
	Potential				Percent	25%	
Dies w as die Konstanting der der weren b	na Liangeis (Mailee)	asown Silveri A	. Transilia da Talakali		Sugar Section Strategies		
>>Programmatic	Falsification	Major	Moderate	Minor			
	raisincation	Major I	Woderate	WILLO	Percent	0%	
		L]				

Matrix Notes	Human hea	alth or the env protective of h	ironment were numan health c	exposed to insi or environmenta	gnificant amounts of p l receptors as a result	of the violations.	ng
			A service and the service	45 um en valva a um 19	geers actions and in a 1.500		·00]
					Adjustmen	\$7,5	000
							\$2,500
Violation Events				화로 참고함.			
			[]	r==			
	Number of Vic	olation Events	8	L	647 Number o	of violation days	
		dolla					
		daily monthly					
	mark only one	quarterly	x		•	Violation Base Pena	lty \$20,000
	with an x	semiannual					
		annual					
		single event					
	[
			Eight guart	erly events are	recommended		
			Light quart	erry events are	recommended.		
Economic Benefi	t (EB) for th	is violation			Statuto	ry Limit Test	
	Estimated	d EB Amount		\$722	Violat	ion Final Penalty To	stal \$28,400
		•					
			en en esta en	This violation f	inal Assessed Pena	ity (adjusted for lim	ts) \$28,400

Reg. Ent. Reference No. R Media A Violation No. 2	ir	•				Percent Interest	Years of Depreciation 15
item Description 1	Item Cost No commas or \$	Date Required	Final Date	Yrsin	Interest Saved	Onetime Costs	EB Amount
Delayed Costs	rubiriskupakan mart	al Mac Christian proder and the Paris and A	Gallace C. Leptur, 1	11 00	r #0	, , , , , , , , , , , , , , , , , , ,	
Equipment			حسنب تعلس	0.0	\$0	\$0 \$0	\$0 \$0
Buildings	Asserting Congress			0.0	\$0 \$0	\$0	\$0 \$0
Other (as needed)	M4.000	3-Jan-2006	1-Aug-2008	2.6	\$34	\$687	\$722
Engineering/construction Land	\$4,000	3-Jan-2006	1-Aug-2006	0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0 \$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)			The Print of the State	0.0	\$0	n/a	\$0
					ndent is expected	s the first date of a r	
Notes for DELAYED costs			a de la composición dela composición de la composición dela composición de la composición de la composición dela composición dela composición de la composic		A San	<u> </u>	
Notes for DELAYED costs Avoided Costs			a de la composición dela composición de la composición dela composición de la composición de la composición dela composición dela composición de la composic		A San	one-time avoided c	
Notes for DELAYED costs			a de la composición dela composición de la composición dela composición de la composición de la composición dela composición dela composición de la composic	entering	item (except for	one-time avoided c	osts)
Avoided Costs Disposal			a de la composición dela composición de la composición dela composición de la composición de la composición dela composición dela composición de la composic	ntering	item (except for	one-time avoided c	osts) \$0
Avoided Costs Disposal Personnel			a de la composición dela composición de la composición dela composición de la composición de la composición dela composición dela composición de la composic	entering 0.0 0.0	item (except for \$0 \$0	one-time avoided c	osts) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling			a de la composición dela composición de la composición dela composición de la composición de la composición dela composición dela composición de la composic	0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0	osts) \$0 \$0 \$0
Avoided Costs Obsposal Personnel Inspection/Reporting/Sampling Supplies/equipment			a de la composición dela composición de la composición dela composición de la composición de la composición dela composición dela composición de la composic	entering 0.0 0.0 0.0 0.0	SO	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Pisposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2]			a de la composición dela composición de la composición dela composición de la composición de la composición dela composición dela composición de la composic	0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	\$0 \$0 \$0 \$0 \$0 \$0

The May to the March

Scre	ening Date	17-Dec-2007	,	D	Oocket No. 2007-20)24-AIR-E	PCW
	-	Longhorn Glas	ss Manufactu	ring, L.P.		Po	licy Revision 2 (September 2002)
	ase ID No.					•	PCW Revision November 6, 2007
Reg. Ent. Refe			5				
	a [Statute]						
		Terry Murphy					
Viola	tion Number	3					
Violation	Rule Cite(s)	Failed to com	and 122.143(- nply with the n HCI emissions ble by 1.14 to	4), and Tex. He maximum allow from the furnans per year du	41, STC 7, 30 Tex. Adrealth & Safety Code § vable emission rate for ace building ventilation ring 2005 and 2006, acted on October 17, 20	r hydrochloric acid (H n (EPN FB) exceeded as documented during	CI).
						Base Per	salty \$10,000
>> Environmental,	Property a	nd Human I	Health Mat	rix	Charles Television (Carlos		
	B.1	N.A!	Harm	Minan			
OR	Release Actual	Major	Moderate	Minor x			
	Potential				Percent	t 25%	
		<u> </u>				tunium in management	
>>Programmatic N	/latrix	agains neason a said an lais		and the second second			
e a contra contrator	Falsification	Major	Moderate	Minor		4	
					Percent	t 0%	
Matrix Notes	Human h	ealth or the en	vironment co e of human he	uld were expos alth or environ	sed to insignificant am nmental receptors as a Adjustme	a result of the violatio	ot ns. ,500
							\$2,500
Violation Events							
	Niverban of Via	Jatian Evanta	0	Ī	Number	of violation days	
	Number of Vic	lation Events		<u>[</u>	729 Number	r of violation days	
	mark only one with an x	daily monthly quarterly semiannual annual single event	X			Violation Base Per	nalty \$5,000
			Two annu	ial events are i	recommended.		
Economic Benefit	(EB) for th	is violation			Statut	ory Limit Test	
	Estimated	B Amount		\$317	Viola	ation Final Penalty 1	otal \$7,100
						•	
			1711 (1911)	This violation	Final Assessed Pena	alty (adjusted for lir	nits) \$7,100

	35116	Manufacturing, L.	P		Salahara (Serial Angharan Salahara) Salaharan Serial Serial Salaharan Serial		
Reg. Ent. Reference No. Media Violation No.	Air				1944 ta Mada	Percent Interest	Years of Depreciation
violation ivo.	9 0 184					5.0	15
المرافع والأراج والمراجع والمراجع والمراجع والمراجع والمراجع والمراجع والمراجع والمراجع	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description		in it some t	entra de la composição de			2000年2月1日 西京教育教育社会の1900年8月2日 	
Delayed Costs			at it byes, at the same	1 00	1 60	60 1	ФО.
Equipment				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Buildings Other (as needed)	100			0.0	\$0	\$0 \$0	\$0 \$0
Engineering/construction				0.0	\$0	\$0 \$0	\$0
Land	**************************************		Historian Administration	0.0	\$0 \$0	n/a	\$0
Record Keeping System				0.0	, \$0	n/a	\$0
Training/Sampling	77777			0.0	\$0	n/a	\$0
Remediation/Disposal		TO THE REST OF THE REST		0.0	\$0	n/a	\$0
Permit Costs	\$2,500	1-Jan-2005	16-Jul-2007	2.5	\$317	n/a	\$317
Other (as needed)				0.0	\$0	n/a	\$0
						increase in emission	
Notes for DELAYED costs	Required is the	first day of the yea	ar for which an exc ef	eedance fective d	was reported, and late.	d the Final Date is th	ne amendment's
Avoided Costs	Required is the	first day of the yea	ar for which an exc ef	eedance fective d	e was reported, and late. Item (except for	d the Final Date is the control of t	ne amendment's osts)
	Required is the	first day of the yea	ar for which an exc ef	eedance fective d	was reported, and late.	d the Final Date is the control of t	ne amendment's
Avoided Costs	Required is the	first day of the yea	ar for which an exc ef	eedance fective d ntering 0.0	was reported, and late. item (except for a	d the Final Date is the control of the Final Date is the control of the control o	ne amendment's osts) \$0
Avoided Costs Disposal Personnel	Required is the	first day of the yea	ar for which an exc ef	eedance fective d ntering 0.0	was reported, and late. item (except for a \$0 \$0	the Final Date is the pre-time avoided comparison and the state of the	osts) \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Required is the	first day of the yea	ar for which an exc ef	eedance fective d	was reported, and the second s	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Required is the	first day of the yea	ar for which an exc ef	eedance fective d ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	was reported, and atte. item (except for a so	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Required is the	first day of the yea	ar for which an exc ef	eedance fective d	was reported, and the second s	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Required is the	first day of the yea	ar for which an exc in the formal ed ed costs before e	eedance fective d ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	was reported, and atte. item (except for a so	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

gradient of the state of the st

Scre	ening Date	17-Dec-2007		Docket N	lo. 2007-2024	-AIR-E	PCW
R	Respondent	Longhorn Gla	ss Manufacturing, L.	Р.		Policy F	Pevision 2 (September 2002)
(Case ID No.	35116				PCW	Revision November 6, 2007
Reg. Ent. Ref	ference No.	RN100671445	5				
	lia [Statute]						and the second s
	Coordinator	Terry Murphy	i				Management as
Viol	ation Number	4					1
	Rule Cite(s)	FOP O-0264		nin. Code §§ 122 & Safety Code § 3		2.145(2)(A), and Tex.	
Violatio	n Description	for Decembe for Septe	r 7, 2005 to February ember 1, 2006 to Feb	/ 28, 2006, for Ma ruary 28, 2007 di	irch 1, 2006 to d not include o	pecifically, the reports August 31, 2006, and pacity and opacity ucted on October 17,	
						Base Penalty	\$10,000
>> Environmental	l, Property a	ind Human	Health Matrix	· 大大大的 (16,10)	Halling St.		De 191101
			Harm				monetista con esta de la constanta constanta con esta de la constanta c
O.P.	Release		Moderate Mi	nor			1
OR	Actual Potential				Percent	0%	
	l'Oteritiai	<u>L</u>			i crociii	<u> </u>	
>>Programmatic	Matrix			n in early property and the Later of the control of	neri Boleo		
	Falsification	Major	Moderate Mi	nor	~ 1		
			х		Percent	10%	
Matrix Notes		Between	30 to 70% of the red	quired information	was not repor	ed.	
					Adjustment	\$9,000	-
1							\$1,000
Violation Events				abiya Xil			
riolation Eronio				en de la victoria de la Centralia.	turkurus Taittarikkiantur sessi		
	Number of Vio	olation Events	3	365	Number of	violation days	
	mark only one with an x	daily monthly quarterly semiannual annual single event	X		V	iolation Base Penalty	\$3,000
	Three s		re recommended, on	e for each of thre	e deficient sen	ni-annual reports.	
Economic Benefi				©171		y Limit Test	\$4,260
	Estimate	d EB Amount	L	\$171	violatio	on Final Penalty Tota	Ψ4,200
			This vi	olation Final Ass	sessed Penalt	y (adjusted for limits	\$4,260
上的。由于海影片2000年中国							

	HUSBARISS E	conomic	Benefit W	orks	heet	a place applied	A section
Respondent		Manufacturing, L		ta torra •x		Aretabellan Penerbasananka (
Case ID No.	-	,a,g, _					
Reg. Ent. Reference No.							and the second
Media Violation No.	Air					Percent Interest	Years of Depreciation
violation no.	4						STEE SCHOOL STEEL
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	(MCFESSES)	brið rinni krif	$u \in \mathbb{N}_{0}$	1 1685 GROWER	Rule Clister	
E. T. J. H. HERBERT	mark a sarah a sarah sarah	S. D. M. R. School, S. S.	- And Address of Street Or 1915			suredora en e	
Delayed Costs	istulatina Et	A SINCE STANLING	Strick av Star Some Major		or martine in the contraction of the		
Equipment		THE COMMENTS OF	Lateration in early	0.0	\$0	\$0	\$0
Buildings	SSEMENTARY		Man, The England of State of S	0,0	\$0	\$0	\$0
Other (as needed)		aataaalika valitsi.		0,0	\$0	\$0	\$0
Engineering/construction	1.1.1.2.11.8.2.11	นี้ (เป็นโดยได้เนียกให้เราสร้		0,0	\$0	\$0	\$0
Land		ujekan uaryaik		0.0	\$0	n/a	\$0
Record Keeping System	\$2,000	30-Mar-2006	14-Dec-2007	1.7	\$171	n/a	\$171
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0,0	\$0	n/a	\$0
Permit Costs				0,0	\$0	n/a	\$0
Other (as needed)				1 0.0 l	\$0	n/a	\$0
Other (as needed)	Estimated co	osts to modify the	ontinuous opacity	monitorir	ng system and pro	ovide additional over	sight over the
Notes for DELAYED costs	reporting of de the Final Date	viations. The Dat is the date by whi	e Required is the o ch the Responden	monitorir lue date d t complet oversigh	ng system and pro of the first deficier ed a system mod t.	ovide additional over nt semi-annual devia ification and provide	sight over the value of the val
Notes for DELAYED costs Avoided Costs	reporting of de the Final Date	viations. The Dat is the date by whi	e Required is the o ch the Responden	monitorir lue date d t complet oversigh	ng system and pro of the first deficier led a system mod t. item (except for	ovide additlonal over nt semi-annual devia ification ånd provide in A one-time avoided o	sight over the value of the val
Notes for DELAYED costs Avoided Costs Disposal	reporting of de the Final Date	viations. The Dat is the date by whi	e Required is the o ch the Responden	monitoring to the design of th	ng system and pro of the first deficier led a system mod t. item (except for \$0	ovide additlonal over nt semi-annual devia ification and provide 	sight over the value of the val
Notes for DELAYED costs Avoided Costs Disposal Personnel	reporting of de the Final Date	viations. The Dat is the date by whi	e Required is the o ch the Responden	monitoring to the date of the	ng system and pro of the first deficier led a system mod it. item (except for \$0 \$0	ovide additional over the semi-annual devia ification and provide ification and provided one-time avoided of \$0 \$0	rsight over the value of the va
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	reporting of de the Final Date	viations. The Dat is the date by whi	e Required is the o ch the Responden	monitorir lue date of t complet oversigh ntering 0.0 0.0	ng system and proof the first deficiented a system modut. item (except for \$0 \$0 \$0 \$0 \$0	ovide additional over nt semi-annual devia ification and provide is a constant one-time avoided c \$0 \$0 \$0	sight over the value of the val
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	reporting of de the Final Date	viations. The Dat is the date by whi	e Required is the o ch the Responden	monitorir lue date of t complet oversigh entering 0.0 0.0 0.0	ng system and proof the first deficient defici	ovide additional over nt semi-annual devia ification and provide is a constant one-time avoided of \$0 \$0 \$0	sight over the tition report, and d for additional costs) \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	reporting of de the Final Date	viations. The Dat is the date by whi	e Required is the o ch the Responden	monitoring dependence oversight over	ng system and proof the first deficient defici	ovide additional over nt semi-annual devia ification and provide cone-time avoided cone-time avoided cone-time \$0 \$0 \$0 \$0 \$0	sight over the vation report, and do for additional costs) \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	reporting of de the Final Date	viations. The Dat is the date by whi	e Required is the o ch the Responden	monitorir lue date of t complet oversigh entering 0.0 0.0 0.0	ng system and proof the first deficient defici	ovide additional over nt semi-annual devia ification and provide some-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	sight over the vation report, and do for additional costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	reporting of de the Final Date	viations. The Dat is the date by whi	e Required is the o ch the Responden	monitoring dependence oversight over	ng system and proof the first deficiented a system modult. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ovide additional over nt semi-annual devia ification and provide cone-time avoided cone-time avoided cone-time \$0 \$0 \$0 \$0 \$0	sight over the tition report, and d for additional costs) SO
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	reporting of de the Final Date	viations. The Dat is the date by whi	e Required is the o ch the Responden	monitoring dependence oversight over	ng system and proof the first deficiented a system modult. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ovide additional over nt semi-annual devia ification and provide some-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	sight over the vation report, and do for additional costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	reporting of de the Final Date	viations. The Dat is the date by whi	e Required is the c ch the Responden	monitoring dependence oversight over	ng system and proof the first deficiented a system modult. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ovide additional over nt semi-annual devia ification and provide some-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	sight over the tition report, and d for additional costs) SO
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	reporting of de the Final Date	viations. The Dat is the date by whi	e Required is the c ch the Responden	monitoring dependence oversight over	ng system and proof the first deficient defici	ovide additional over nt semi-annual devia ification and provide some-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	sight over the vation report, and do for additional costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	reporting of de the Final Date	viations. The Dat is the date by whi	e Required is the c ch the Responden	monitoring dependence oversight over	ng system and proof the first deficient defici	ovide additional over nt semi-annual devia ification and provide some-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	sight over the vitton report, and d for additional costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	reporting of de the Final Date	viations. The Dat is the date by whi	e Required is the c ch the Responden	monitoring dependence oversight over	ng system and proof the first deficient defici	ovide additional over nt semi-annual devia ification and provide some-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	sight over the vitton report, and d for additional costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Compliance History

CN601291057 Longhorn Glass Manufacturing, L.P. Classification: AVERAGE Rating: 14.22 Customer/Respondent/Owner-Operator: RN100671445 LONGHORN GLASS PLANT Classification: AVERAGE Site Rating: 14.22 Regulated Entity:

ID Number(s): EPA ID TXD079391678 INDUSTRIAL AND HAZARDOUS WASTE

GENERATION

INDUSTRIAL AND HAZARDOUS WASTE

GENERATION

42623 AIR NEW SOURCE PERMITS **PERMIT** AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0028R AIR NEW SOURCE PERMITS AFS NUM 4820100060 STORMWATER **PERMIT** TXR050726

(SWR)

SOLID WASTE REGISTRATION #

31040

4202 FIDELITY ST, HOUSTON, TX, 77029 Rating Date: September 01 07 Repeat Violator: NO Location:

TCEQ Region: **REGION 12 - HOUSTON**

December 17, 2007 Date Compliance History Prepared:

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 17, 2002 to December 17, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

(512) 239-5025 Name: Terry Murphy Phone:

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? Yes

3. If Yes, who is the current owner? Longhorn Glass Manufacturing, L.P.

Longhorn Glass Corporation 4. if Yes, who was/were the prior owner(s)? Anchor Glass Container Corporation

5. When did the change(s) in ownership occur? 11/1/2006

06/30/2005

Components (Multimedia) for the Site:

Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Admin. Order 2002-1392-AIR-E 1 Effective Date: 07/30/2004

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116,115(b)(2)(G)

30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)

Rgmt Prov: SC1 PERMIT

Description: As owner and operator of the Plant, Longhorn Glass is alleged to have failed to operate within the permitted limit of 53.7 pounds per hour (lbs./hr.) of sulfur dioxide from the glass furnace, emission point number

(EPN) Furnace-1.

2 Effective Date: 12/20/2004 Admin. Order 2004-0091-AIR-E

Classification: Major

Citation: 30 TAC Chapter 122, SubChapter B 122.121

30 TAC Chapter 122, SubChapter B 122.130(b)(1) 5C THC Chapter 382, SubChapter A 382.054 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit the abbreviated Title V application before operating the facility.

- В. Any criminal convictions of the state of Texas and the federal government. N/A
- C. Chronic excessive emissions events. N/A

9 12/04/2007

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

> 1 09/17/2003 (248472)2 10/20/2003 (33227)3 12/05/2003 (249695)4 02/12/2004 (260945)5 05/12/2004 (268212)6 01/07/2005 (338613)7 10/04/2007 (564248)8 12/04/2007 (599497)

Written notices of violations (NOV). (CCEDS Inv. Track. No.)

(595747)

1 Date: 12/04/2007 (599497)

Classification: Self Report? NO Minor

30 TAC Chapter 122, SubChapter B 122.143(4) Citation: 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02641 S.T. and C. 3A(iv)(3)

Failure to record quarterly opacity readings of the furnace stack. Description:

Self Report? Classification: Minor

Citation; 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b) OP O-02641 Special Terms and Conditions 6 Rqmt Prov:

Description: Failure to record results of monthly degreaser inspections.

Environmental audits.

N/A

Type of environmental management systems (EMSs). G.

N/A

Voluntary on-site compliance assessment dates. Н.

Participation in a voluntary pollution reduction program. ı.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
LONGHORN GLASS	§	
MANUFACTURING, L.P.	§	
RN100671445	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-2024-AIR-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Longhorn Glass Manufacturing, L.P. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a glass manufacturing plant at 4202 Fidelity Street in Houston, Harris County, Texas (the "Plant").
- 2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 9, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Forty-Six Thousand Eight Hundred Sixty Dollars (\$46,860) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid Thirty-Seven Thousand Four Hundred Eighty-Eight Dollars (\$37,488) of the administrative penalty and Nine Thousand Three Hundred Seventy-Two Dollars (\$9,372) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On July 16, 2007, was issued an amendment to New Source Review Permit ("NSRP") No. 42623 to increase the maximum allowable emission rate for hydrochloric acid ("HCl") to 1.80 tons per year;
 - b. By December 14, 2007, in order to ensure the timely submittal of annual compliance certifications and semi-annual deviation reports, established an action item in the Plant's Environmental Management System that will be checked monthly;
 - c. By December 14, 2007, in order to ensure that deviations arising from excess opacity are reported in semi-annual deviation reports, modified the continuous opacity monitoring system to e-mail the Environmental Health and Safety manager in the event of an opacity exceedance and provided additional oversight over the reporting of those exceedances; and
 - d. On March 25, 2008, replaced a circuit board in the opacity monitor.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

and the state of the contract of the property of the property of the state of the s

and the second of the second o

n natural se esta de la companya de la co La companya de companya del companya de la companya del companya de la companya del companya de la companya del compa

en la fille de la La fille de la

(2) A substituting of the control
- 1. Failed to timely submit a semi-annual deviation report and a permit compliance certification, in violation of Federal Operating Permit ("FOP") O-02641, General Terms and Conditions ("GTC"), 30 Tex. Admin. Code §§ 122.143(4), 122.145(2)(B), and 122.146(2), and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on October 17, 2007. Specifically, the Respondent submitted the permit compliance certification for the period December 7, 2005 through February 28, 2006 on October 16, 2007, while it was due on March 30, 2006; and submitted the semi-annual deviation report for the period March 1, 2006 through August 31, 2006 on March 28, 2007, while it was due on September 30, 2006.
- 2. Failed to maintain the monitored opacity of the glass furnace stack (Emissions Point Number ["EPN"] Furnace) at less than 18.7%, in violation of NSRP No. 42623, Special Condition ("SC") 4 and FOP O-02641, Special Terms and Conditions ("STC") 7, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 17, 2007. Specifically, the monitor registered exceedances during the period January 3, 2006 through October 12, 2007.
- 3. Failed to comply with the maximum allowable emission rate for HCl, in violation of NSRP No. 42623, SC 1 and FOP O-02641, STC 7, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 17, 2007. Specifically, HCl emissions from the furnace building ventilation (EPN FB) exceeded the permit allowable by 1.14 tons per year during 2005 and 2006.
- 4. Failed to report all deviations in semi-annual deviation reports, in violation of FOP O-02641, GTC, 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 17, 2007. Specifically, the reports for December 7, 2005 to February 28, 2006, for March 1, 2006 to August 31, 2006, and for September 1, 2006 to February 28, 2007 did not include opacity and opacity reporting deviations.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Longhorn Glass Manufacturing, L.P., Docket No. 2007-2024-AIR-E" to:

and the second of the second o

Longhorn Glass Manufacturing, L.P. DOCKET NO. 2007-2024-AIR-E Page 4

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, in order to ensure compliance with the opacity limits from the glass furnace stack:
 - i. Make improvements to the continuous opacity monitoring system and/or;
 - ii. Make improvements to the operation of the stack;
 - iii. Submit corrected semi-annual deviation reports for December 7, 2005 to February 28, 2006, for March 1, 2006 to August 31, 2006, and for September 1, 2006 to February 28, 2007; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. and/or 2.a.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification, and the reports required by Ordering Provision No. 2.a.iii., shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Longhorn Glass Manufacturing, L.P. DOCKET NO. 2007-2024-AIR-E Page 5

Air Section, Manager Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Avenue, Suite H Houston, Texas 77023-1486

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 8. Under 30 Tex. ADMIN. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

A A Community of the
en de la grande de la composition de la grande de la grand La grande de la gra La grande de la g Longhorn Glass Manufacturing, L.P. DOCKET NO. 2007-2024-AIR-E Page 6

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	'	
For the Executive Director		Date 6)18)03

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

Longhorn Glass Manufacturing, L.P.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Signature

Date

| Virk E. Norris | Group V.P. |
| Name (Printed or typed) | Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

• And the second of the second g was by